



# Energy Act 2011

## 2011 CHAPTER 16

### PART 1

#### ENERGY EFFICIENCY

### CHAPTER 2

#### PRIVATE RENTED SECTOR: ENGLAND AND WALES

##### *Introductory*

#### **42 Meaning of “domestic PR property” and “non-domestic PR property”: England and Wales**

- (1) For the purposes of this Chapter—
- (a) a property is a “domestic private rented property” if, subject to subsection (2), it is let—
    - (i) under a tenancy which is an assured tenancy for the purposes of the Housing Act 1988,
    - (ii) under a tenancy which is a regulated tenancy for the purposes of the Rent Act 1977, or
    - (iii) under a tenancy which is specified for the purposes of this subsection in an order made by the Secretary of State;
  - (b) a property is a “non-domestic private rented property” if it—
    - (i) is situated in England and Wales,
    - (ii) is let under a tenancy, and
    - (iii) is not a dwelling.
- (2) But a property is not a domestic private rented property if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) it is low cost rental accommodation within the meaning of section 69 of the Housing and Regeneration Act 2008 and the landlord is a private registered provider of social housing,
  - (b) it is low cost home ownership accommodation within the meaning of section 70 of that Act, or
  - (c) the landlord is a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.
- (3) In subsection (1)(b) “dwelling” has the meaning given by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007/991) (“the Energy Performance Regulations”).
- (4) A domestic private rented property is referred to in this Chapter as a “domestic PR property”.
- (5) A non-domestic private rented property is referred to in this Chapter as a “non-domestic PR property”.